

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES ALLEN SUSKE KINNEY,

Plaintiff,

v.

THE STATE OF WASHINGTON,
WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
AIRWAY HEIGHTS
CORRECTIONAL CENTER,
MAGGIE MILLER STOUT, MARK
MURPHY, JEFFREY WARD, MR.
RIDGEWAY, C/O HALL, JAMES
ROLLINS and DR. DEBORAH
TONIFER,

Defendants.

NO: 2:15-CV-00128-TOR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION

BEFORE THE COURT is a Report and Recommendation (ECF No. 11) to deny Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 6). Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

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1 On June 1, 2015, Plaintiff was advised of the deficiencies of his complaint
2 and directed to amend or voluntarily dismiss within sixty (60) days (ECF No. 10).
3 His deadline for compliance with that Order is July 31, 2015. Because Plaintiff
4 has not filed a legally sufficient complaint which has been served on named
5 Defendants, the Court is without jurisdiction to consider Plaintiff's request for
6 injunctive relief. *See generally* Fed. R. Civ. P. 3 and the notes following the rule;
7 *see e.g. Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).

8 On June 17, 2015, Plaintiff filed a series of Motions (ECF Nos. 12-16) and a
9 Motion to Voluntarily Dismiss (ECF No. 17). The Court will address these
10 motions in a separate Order, but notes that none of them offers any specific
11 objection to the Report and Recommendation to deny Plaintiff's prior Motion.
12 Therefore, for the reasons set forth by Magistrate Judge Hutton, **IT IS ORDERED**
13 that the Report and Recommendation (ECF No. 11) is **ADOPTED in its entirety**
14 and the Motion for Temporary Restraining Order and Preliminary Injunction (ECF
15 No. 6) is **DENIED**.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 Order and forward a copy to Plaintiff.

18 **DATED** June 24, 2015.



A handwritten signature in blue ink that reads "Thomas O. Rice".
THOMAS O. RICE

United States District Judge

ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
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